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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,345	08/23/2000	Tom Sharples	4905.P005	2756
8791	7590	01/11/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,345

Applicant(s)

SHARPLES ET AL

Examiner

Vincent F. Boccio

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 10/25/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,9,11-13,15,17-26,29-33,35-37,39 and 41-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-7,26,29-32,41 and 42 is/are allowed.
- 6) ☒ Claim(s) 9, 11-13, 15, 17-19, 21-25, 33, 35-37, 39, 43-48 is/are rejected.
- 7) ☐ Claim(s) 20 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments filed against the amended claims, have been fully considered but they are not persuasive.

{A} In re page 13, applicant states, there is no motivation to combine, because Eyer teaches only an HTML control environment.".

In response Eyer has not been combined to provide for more than one environment, but, for the teaching of HTML script control being known and obvious to utilize to control in that mode only.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

{B} In re page 13, applicant states, "Kanazawa teaches only a DVD control environment to receive user input, but, no other environment to receive user input."

In response in accord to Fig. 19 B, why cannot the user interact with the BROWSER, with the buttons and controls provided, FILE, EDIT, VIEW, address drop down and scroll bar control ??????????

It would be more difficult in the examiner position to find a WEB browser that does not allow interaction, as those skilled in the art would clearly understand.

{C} In re page 16, applicant states, the art fails to disclose or render obvious, "depending on type of user input as well as timing is such input.".

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In response, since the system checks for a URL in the specific point the user selects, there may or may not be a URL, and there exists more than one, therefore, based on the timing of user inputs, would dictate, which URL is used, based on the position of playback, which changes over time, therefore, the arguments are not deemed persuasive.

{D} In re page 17-18, applicant argues Lyons, does not teach a system, which accepts different types of inputs which result in an change of mode of control.

In response Lyons is used for updating script and not for the argued limitation.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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2. Claim 17-19, 21-24, 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al. (US 6,580,870) in view of Eyer et al. (US 5,982,445).

The examiner incorporates by reference the last detailed action against the claims 17-19, 21-24, 45-48, and will address the added claim processing user inputs in the first mode (DVD play mode), depending on type of user inputs and as well as timing of such inputs, met in view of controlling the DVD, such as play, pause stop, which are based on time of the inputs such as selecting the WEB button when in the first mode, pausing and resuming in the DVD play mode is based on timing to resume as pause one resumes based on a time-address attribute, such as col. 20, resume start position.

Further in DVD video mode, upon selecting the WEB button, is based on time which would dictate the URL corresponding to the WEB mark, is also based on time, because the resume location is saved in order to resume, based on time again, the argument is not deemed persuasive.

3. Claims 9, 11-12, 33, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al. (US 6,580,870) and Eyer et al. (US 5,982,445) and further in view of Lyons (US 5,623,656).

The examiner incorporates by reference the rejection against the claims and will address the added claim language, as amended.

Claims 9 and 22 have been amended to further recite, processing user inputs in the first mode (DVD play mode), depending on type of user inputs and as well as timing of such inputs, met in view of controlling the DVD, such as play, pause stop, which are based on time of the inputs such as selecting the WEB button when in the first mode, pausing and resuming in the DVD play mode is based on timing to resume as pause one resumes based on a time-address attribute, such as col. 20, resume start position

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Further in DVD video mode, upon selecting the WEB button, is based on time which would dictate the URL corresponding to the WEB mark, is also based on time, because the resume location is saved in order to resume, based on time again, the argument is not deemed persuasive.

Lyons teaches that HTML script files can be updated from a remote server and teaches at col. 3, "script processor 104 may be broadly categorized as text insertion, conditional text insertion, database record access, conditional script redirection. Text insertion would result in the particular data block information being inserted into the HTML-D script that will be transmitted back to the client ... to fill in a particular field of the initial text-based FIF script with his or her name the name data could be inserted to appear in the next HTML script file that would be viewed by the client, therefore, providing an updated HTML script, modified from the first including a name.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify the combination by providing the teaching of Lyons, thereby modifying initially received scripts, therefore modified or updated, from a remote cite, as taught by Lyons, and further an obvious design choice to utilize wireless being one of known means to communicate, as is well known and obvious to those skilled in the art.

4. Claims 13, 15, 37, 39, 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kanazawa et al. (US 6,580,870), Eyer et al. (US 5,982,445), Lyons (US 5,623,656) and further in view of Gerba et al. (US 5,931,908).

The examiner incorporates by reference the rejection previously set fourth.

Claims 13, 15, 37, 39 etc., has been analyzed and discussed with respect to claim 9 above and further in combination with Gerba, as applied.

Allowable Subject Matter

2. Claims {1, 4-7, 41, 42} and 26, 29, 30, 31, 32 are allowed, for the reasons of record.

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3. Claims 20 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05.

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
1/9/06


VINCENT BOCCIO
PRIMARY EXAMINER